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| 09/841,327 | 04/23/2001 | Bradley James Witteman | 09872-007002 | 5979 |

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| EXAMINER |
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| RAMAN, USHA |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>02 May 2007</u>.

2a) ☒ This action is **FINAL**.    2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) <u>19-41</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>19-41</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All  b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## Response to Arguments

1. Applicant's arguments filed 19 and 29 have been fully considered but they are not persuasive.

Applicant argues (see Remarks, page 7) that applicant's invention is characterized by agent software that monitors closed caption signal, and that, "the agent automatically looks for specific words or phrases in one format (e.g. text), that trigger a speech recognizer to watch for that word in another format (e.g. audio)" and therefore, "is different than scanning text records for a user selected search term". While the examiner recognizes differences between applicant's invention and Herz, the claim language are generally recited very broadly and therefore reads on the system of Herz. Amended limitation of "*determining* a search parameter" fails to overcome the rejection and therefore fails to place the application in condition for allowance.

2. Examiner further notes that applicant did not traverse the examiner's assertion of official notice on claims 24 and 31, stating that, it was well known in the art at the time of the invention "to display still images on video" or examiner's assertion of the official notice on claim 33, 34 and 39, stating that, "text to speech converters were well known in the art at the time of the invention to convert search parameter into audio data when a user enters the search parameter in text format". Accordingly, these common knowledge statements are taken to be admitted prior art.

For the reasons stated above, the rejection is maintained.

### *Claim Rejections - 35 USC § 102*

3.  The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
>
> another filed in the United States before the invention by the applicant for patent or (2) a patent
>
> granted on an application for patent by another filed in the United States before the invention by the
>
> applicant for patent, except that an international application filed under the treaty defined in section
>
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
>
> only if the international application designated the United States and was published under Article 21(2)
>
> of such treaty in the English language.

4.  Claims 19-23, 25-26, 29-30, 32, 37, and 40-41, are rejected under 35 U.S.C. 102(e)

as being anticipated by Herz (US Pat. 5,914,719).

With regards to claims 19, Herz discloses a method of searching in a

multimedia signal (abstract, column 2, lines 1-4), comprising:

Receiving a search parameter (search term) corresponding to a first data

format component (text data) of the multimedia signal, the multimedia signal

including the first data format component (text data such as CC) and a second data

format component (video/audio); see column 5, lines 23-24.

Searching the multimedia signal to identify an occurrence of the search

parameter in the first data format component of a multimedia signal; see column 5,

lines 24-25. The system further *determines* the occurrence of a search parameter

by searching for the occurrence of the search parameter in the first data format

component of the multimedia signal.

Determining a portion of the second data format component of the multimedia signal that corresponds to the identified occurrence of the search parameter in the first data format component of the multimedia signal; see column 1, lines 54-55.

Synchronizing a first segment and a second segment of the multimedia signal (aligning text, audio, video using identifiers), wherein the first segment includes the occurrence of the search parameter in the first data format component of the multimedia signal and the second segment includes the portion of the second data format component of the multimedia signal that corresponds to the occurrence of the search parameter in the first data format component. See column 4, lines 40-44, lines 52-54, and column 5, lines 40-45.

With regards to claim 20, and 22, the first data format is a closed caption of the multimedia signal (see column 2, lines 45-47) and the second data format is an audio/video component of the multimedia signal (see column 5, lines 40-41).

With regards to claim 21 and 23, the second segment of the multimedia signal is a second of the audio/video component that begins and ends within a predetermined period of time before and after the occurrence of the search parameter in the closed caption component (see column 5, lines 40-46).

With regards to claims 25, the first data format is a closed caption of the multimedia signal (see column 2, lines 45-47) and the second data format is an audio/video component of the multimedia signal (see column 5, lines 40-41).

With regards to claims 26, and 40, the first and second data formats are selected from the group consisting of: text data, audio data and video data. See column 2, lines 45-47 and column 5, lines 40-41.

With regards to claim 29, Herz discloses a method of searching in a multimedia signal (abstract, column 2, lines 1-4), comprising:

Searching the multimedia signal to identify an occurrence of the search parameter in the first data format component of a multimedia signal; see column 5, lines 24-25. The system accordingly analyzes a first data format of the multimedia signal in order to determine/identify the occurrence of a search parameter in the first data format component of the multimedia signal.

Determining a portion of the second data format component of the multimedia signal that corresponds to the identified occurrence of the search parameter in the first data format component of the multimedia signal; see column 1, lines 54-55.

Synchronizing a first segment and a second segment of the multimedia signal (aligning text, audio, video using identifiers), wherein the first segment includes the occurrence of the search parameter in the first data format component of the multimedia signal and the second segment includes the portion of the second data format component of the multimedia signal that corresponds to the occurrence of the search parameter in the first data format component. See column 4, lines 40-44, lines 52-54, and column 5, lines 40-45.

With regards to claim 30, the second data format is a video component (see column 5, lines 40-41) and the system displays the segment of the video component to the user (see column 5, line 45-47).

With regards to claim 32, the segment of the video component is a video clip of predetermined length substantially corresponds to an occurrence of the search parameter in the first data component (see column 5, lines 40-46).

With regards to claim 37, Herz discloses a method of processing multimedia signal, comprising the steps of:

Receiving a search parameter (see column 5, lines 23-24) of a first data format (see abstract);

Processing the multimedia signal to determine an occurrence of the search parameter in a first data component of the multimedia signal (see column 5, lines 24-25), wherein the multimedia signal has at least the first component (text data such as CC) and a second component (A/V data), the first component being in a first data format and the second component being in a second data format. The system further *determines* the occurrence of a search parameter by searching for the occurrence of the search parameter in the first data format component of the multimedia signal.

Determining a portion of the second component of multimedia signal that corresponds to the occurrence of the search parameter in the first component. See column 1, lines 54-55.

With regards to claim 41, Herz further discloses the step of synchronizing the

first segment and the second segment of the multimedia signal (aligning text, audio,

video using identifiers), wherein the first segment includes the occurrence of the

search parameter in the first component of the multimedia signal and the second

segment includes the occurrence of the second component of the multimedia signal

that corresponds to the occurrence of the search parameter in the first component.

See column 4, lines 40-44, lines 52-54, and column 5, lines 40-45.

### Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set

forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 24, and 31, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Herz (US Pat. 5,914,719).

With regards to claim 24, and 31, Herz is silent that the second component is

a still image from the video component that is present substantially at the occurrence

of the search parameter in the closed caption component.

Examiner takes official notice that it is well known in the art to display still

images on video. Herz further discloses that the identifier for locating the search

query within the video and text data maybe a time stamp data. See Herz: column 4, lines 13-15.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Herz by allowing the user to submit query for retrieval of still images present in video signals, so that the user can locate the desired segment of the video. The modified system uses identifiers with time stamps for locating the still image corresponding to the user query, thereby retrieving second component substantially at the occurrence of the search parameter in the closed caption component.

7. Claims 27-28, 33-36, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz (US Pat. 5,914,719) in view of Brodsky (US Pat. 5,809,471).

With regards to claims 27, 35, and 38, Herz is silent on the step of receiving a search parameter in a third data format (such as audio) different from the first data format, and converting the search parameter from the third data format to the first data format.

In a similar field of endeavor, Brodsky discloses the step of receiving a search parameter in a third format (such as voice) and using voice type dictation tools that converts the voice data to text data. See column 4, line 64-column 5, line 3, and column 6, lines 24-26. By receiving and *recognizing* the search parameter in a third format such as voice, the search parameter is '*determined*' in order to subsequently convert the voice data to text data.

It would have been obvious to one of ordinary skill in the art to modify the

system in view of Brodsky, by allowing to enter search parameter in a third data

format such as voice and using speech to text converter for converting the voice

data to text (i.e. first data format) in order to compare the search parameter with the

closed caption data. The motivation is to allow user an intuitive method of entering

search queries such as voice commands.

With regards to claim 28, the modified system comprises the step of search

parameters in a voice (i.e. third data format) format and therefore the third data

format is selected from the group comprising audio data.

With regards to claim 33 and 39, Herz discloses the step of enabling the user

to enter a text search parameter (see abstract). Herz however does not disclose

that the first data component is an audio component, wherein the search parameter

is converted to an audio data format prior to analyzing the multimedia signal.

In a similar field of endeavor, Brodsky discloses the method of searching for

spoken words or audio information (see column 4, lines 18-22) in a signal. Brodsky

further discloses that user search request for a keyword maybe made via a direct or

a remote selection from a displayed dictionary menu (i.e. France), wherein the

requested word is matched against the words in dictionary database. Accordingly

Brodsky discloses a method of comparing a displayed keyword (i.e. text information)

with stored keywords (i.e. "spoken words" or audio information) of a first data

component. Examiner additionally takes official notice that text to speech converters

were well known in the art at the time of the invention to convert search parameter

into audio data in order to compare search parameter with the audio component of the multimedia signal, when a user enters the search parameter in text format.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Herz by allowing the user to select a keyword of text format and search for the occurrence of the keyword in an audio signal by converting the text keyword into audio data, thereby providing means for searching in a multimedia signal that does not have any text data components.

With regards to claim 34, the step of converting text search parameter into an audio data is performed using a text to speech converter in the modified system.

With regards to claim 36, the step of converting speech search parameter into text data is performed using a speech to text converter (voice type dictation solution) in the modified system.

### *Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory
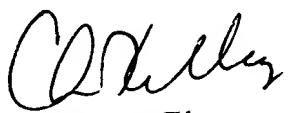
period for reply expire later than SIX MONTHS from the mailing date of this final

action.

9. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Usha Raman whose telephone number is (571) 272-

7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-

272-1000.

UR

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